

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

v.

SERGEY SHESTAKOV,

Defendant.

23-cr-16 (JSR)

ORDER

JED S. RAKOFF, U.S.D.J.:

Pursuant to section 4 of the Classified Information Procedures Act ("CIPA"), Judge Rearden previously reviewed in camera certain classified materials and concluded that "the Court has little difficulty deciding that the Government may withhold from discovery all information that the Government seeks to delete pursuant to CIPA Section 4." ECF No. 192 at 4 (internal quotation marks omitted). Nevertheless, Judge Rearden added the proviso that "[a]s the Court's understanding of the case develops, the Court will assess anew whether any of the information at issue must be produced." Id. at 6 (internal quotation marks omitted).

Pursuant to that proviso, defense counsel submitted ex parte a detailed and extremely helpful letter outlining its developing defense theories, which the Court will docket under seal and without disclosure to the Government. After careful review of that new submission, the Court personally examined the same classified materials previously reviewed by Judge Rearden. Having now

completed that examination, however, the Court concludes that Judge Rearden's prior ruling need not be modified and that none of the classified materials needs to be disclosed, as most of it is irrelevant to the defense case, and the little that might generously be construed as relevant is simply cumulative to information that the Government has already disclosed to the defense and adds nothing material to the defense, whereas disclosure would arguably compromise national security.

SO ORDERED.

Dated: New York, NY
May 20, 2025



JESS. RAKOFF, U.S.D.J.